REMARKS

This Amendment is being filed in response to the Office Action mailed on August 3, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-19 remain in this application, where claims 17-19 have been currently added. Claims 1, 13, 14 and 15 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, claims 1-15 is rejected under 35 U.S.C. §112, second paragraph for certain informalities. In response, the claims have been amended to remove the noted informalities. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-15 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,190,415 (Iwamoto) in view of U.S.

Patent No. 6,546,427 (Ehrlich) and U.S. Patent Application Publication No. 2004/0261096 (Matz). Applicant respectfully traverses and submits that claims 1-19 are patentable over Iwamoto, Ehrlich and Matz for at least the following reasons.

Iwamoto is directed to a digital broadcasting receiver for changing a current channel from a first channel to a second channel, when a commercial message is broadcast on the first channel on which a program is being watched. The time after changing the current/first channel is measured by a timer IC. When a **predetermined** time has passed, the channel is returned to the first channel.

On page 4, first full paragraph of the Office Action, it is alleged that column 13, line 6-15 of Iwamoto discloses that the "duration of said at least one second item is substantially equal to said remaining time," as recited in independent claim 1, and recited in independent claims 13, 14 and 15. Applicant respectfully disagrees and submits that column 13, line 6-15 of Iwamoto specifically recites:

> Here, assume that the first digital broadcasting receiver 1 is used as a master

> receiver for watching a digital broadcast at all times, while the second digital broadcasting receiver 2 is used as a slave receiver for watching another digital broadcast on which a commercial message is being not broadcast when a commercial message is detected in the first digital broadcasting receiver 1. The second digital broadcasting receiver 2 always searches digital broadcast so as to pick up a digital broadcast on which a commercial message is not being broadcast. (Emphasis added)

That is, column 13, line 6-15 of Iwamoto recites two receivers, a master receiver for watching a broadcast, and a slave receiver that searches for a broadcast where a commercial message is not being broadcast. Such a disclosure has nothing to do, and does not disclose or suggest that the "duration of said at least one second item is substantially **equal** to said remaining time [necessary for outputting a remaining part of said first media content item]," as recited in independent claim 1, and recited in independent claims 13, 14 and 15. (Illustrative emphasis provided)

Further, on page 4, second full paragraph of the Office Action, it is alleged that column 8, line 46-64 of Iwamoto discloses "a time-estimating device arranged to estimate, upon receipt of said command, a remaining time necessary for outputting

a remaining part of said first media content item, the remaining time being measured from substantially said particular time to an end of the duration of said first media content item," as recited in independent claim 1, and recited in independent claims 13, 14 and 15. Applicant respectfully disagrees and submits that column 8, line 46-64 of Iwamoto specifically recites:

> In the embodiment of FIG. 3, a **predetermined** time for which a commercial message is **expected** to be broadcast, for example, on the channel A is set by the timer IC 3 in FIG. 1 in advance. Then, when the **predetermined** time has not yet passed, the current channel is prohibited from being returned to the channel A from the channel B to which the current channel is changed from the channel A on which the commercial message was broadcast. Accordingly, there is an advantage that it is possible to avoid the processing of changing the current channel from the channel A to the channel B again because the commercial message is still on air when the current channel is returned to the channel A. In addition, the program broadcast on the channel A during the channel change to the channel B is stored in the memory. Accordingly, the program on the channel A can be reproduced. Thus, even if the commercial message is over and the program already restarted and proceeds at a time when the current channel is returned to the channel A, the user can watch the missed portion of the program.. (Emphasis added)

That is, column 8, line 46-64 of Iwamoto recites prohibiting

the return to the channel A (from the channel B) when a **predetermined** time for which a commercial message is expected to be broadcast has not yet passed. Such a disclosure has nothing to do, and does not disclose or suggest that the "a time-estimating device arranged to **estimate**, upon receipt of said command, a **remaining time** necessary for outputting a remaining part of said first media content item, the remaining time being measured from substantially said particular time to an end of the duration of said first media content item," as recited in independent claim 1, and recited in independent claims 13, 14 and 15. (Illustrative emphasis provided) **Instead of estimating** any time and used any **estimated time**, Iwamoto uses a **predetermined** time.

Further, on page 4, last paragraph of the Office Action, column 4, line 13-23 of Ehrlich are cited which specifically discloses:

> In step 10, the radio station 12 notifies the IRSP by wire or Internet message as a signal of the time and duration of a pause to go to a commercial in the transmitted content. The signal to go to commercial contains the address of the particular pause. The ISP Proxy identifies the unique addressable pause to go to commercial for the time period. There are other known techniques

> used in today's broadcast industry regarding when to go to commercial and when not. These known techniques can be used in addition to using the previously described signaling technique.

The recitation in column 4, line 13-23 of Ehrlich merely discloses that the radio station 12 provides the time and duration of a pause to go to a commercial in the transmitted content. As shown in Step 9 of FIG 2, and recited on column 4, line 7-12 of Ehrlich, it is the very same radio station 12 that creates a station break. That is, the very same radio station 12 that creates a station break at a certain time and for a certain duration, and provides this time and duration of the station break or pause for a commercial in its the transmitted content. Thus, any commercial time and duration is NOT estimated by a device that renders media content item. Rather, the rendering device receives the commercial time and duration form the transmitting radio station 12.

It is respectfully submitted that Iwamoto, Ehrlich, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 13, 14 and 15 which, amongst other patentable

elements, recites (illustrative emphasis provided):

> a time-estimating device arranged to **estimate**, upon receipt of said command, a remaining time necessary for outputting a remaining part of said first media content item, the remaining time being measured from substantially said particular time to an end of the duration of said first media content item; and
>
> a search device arranged to **search** for at least one **second** media content item, wherein a **duration of said at least one second item is substantially equal to said remaining time**.

A time-estimating device arranged to **estimate** the remaining time necessary for outputting a remaining part of said first media content item, and a search device arranged to **search** for at least one **second** media content item having a **duration which is substantially equal to the remaining time**, as recited in independent claims 1, 13, 14 and 15 is nowhere discloses or suggested Iwamoto and Ehrlich, alone or in combination. Matz is cited to allegedly show other features and does not remedy the deficiencies in Iwamoto and Ehrlich.

Accordingly, it is respectfully submitted that independent claims 1, 13, 14 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted

that claims 2-12 and 16-19 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By _____
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101